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10/656,354	09/05/2003	Erik D.N. Monsen	F-715	7816
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/656,354

Applicant(s)

MONSEN ET AL.

Examiner

HAO FU

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 23-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 23-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Argument

Claim 1-3, 6-8, 10, 23-25 and 28-30 are amended by the applicant without prejudice or disclaimer. Claims 12-22 are canceled by the applicant without prejudice or disclaimer.

In the amended claims, applicant attempts to clarify the identifier having shipment tracking ability. Applicant further claims generating such shipment tracking identifier. However, in the specification, applicant also mentions that the identifier has tracking capability, which Ferrier's publication also discloses. Applicant does not explicitly teach the tracking capability related to shipment. In addition, in paragraph 0048 of applicant's specification, it seems that the shipment tracking number is generated by USPS or any external shipping carrier. Applicant's drawing Fig. 3 also suggests that the shipment tracking number is generated by USPS or shipping carrier. Furthermore, generating a shipment tracking number or identifier which correlates the items to both the particular sender and receiver is old and widely being used at the time of the present invention. Ferrier implies the identifier has shipment tracking ability similar to the present invention. To support examiner's argument that an identifier possessing the shipping tracking ability is prior art to the present invention, additional evidence is given.

The present application claims a payment on delivery type of method and apparatus. Applicant is reminded that the concept of payment on delivery is old and

being widely used at the time of invention. Ferrier also teaches a payment on delivery scheme (see paragraph 0064).

Examiner's note: Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

Claim Rejection – USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1, 4-11, 23, 26-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrier (Pub. No.: US 2005/0177437), in view of Morimoto (Pub. No.: US 2002/0120475).

As per claim 1, Ferrier teaches a method for authorizing payment upon delivery of an item to a destination comprising (see paragraph 0002 and 0048; also see paragraph 0064, Ferrier teaches a payment on delivery scheme, and it is commonly known that in such scheme, payment is authorized after buyer receives the item at the

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final destination):

registering each one of a plurality of receiving parties with a transaction module (see paragraph 0021, 0022, 0053, 0056, and 0057; "purchaser" is receiving party, and "gateway" is transaction module);

registering each one of a plurality of sending parties with the transaction module (see paragraph 0021, 0022, 0053, 0056, and 0057; "purchaser" is receiving party, and "gateway" is transaction module);

generating an shipment tracking identifier for use with a shipping system (see paragraph 0022, and paragraph 0062; "transaction identification" or "transaction ID" is identifier, and "transaction identification" is created when order is made; also see 0071 and 0075, it is implied that the identifier has shipment tracking ability);

associating the shipment tracking identifier with a particular sending party, a particular receiving party (see paragraph 0071, "...a transaction ID, comprising a supplier identification number, purchaser identification number");

storing data relating to the identifier and the particular sending party in the transaction module (see paragraph 0071, 0072 and 0100; "transaction ID" is identifier, and "seller" is sending party);

obtaining shipment tracking identifier data at a destination location from the shipping system indicating that the item has arrived at the destination (see paragraph 0064, especially "Here the courier enters the transaction ID, either manually or using a barcode scanner; this procedure is done upon purchaser's receipt of goods, which suggests it is done at a destination location; also as discussed earlier, it is implied that the transaction identifier has shipment tracking ability);

correlating the shipment tracking identifier data to the particular sending party and the item (see paragraph 0064, last two sentences, also as discussed earlier, it is implied that the transaction identifier has shipment tracking ability);

then authorizing a debit associated with the item from a selected account associated with the particular receiving party to a selected account of the particular sending party (see paragraph 0049 and 0064; it is implied that the authorization of debit is associated with the item; since purchaser can pay for the good using Electronic Funds Transfer, it is implied that the debit is from a selected account associated with the particular receiving party to a selected account of the particular sending party).

Ferrier implies the identifier has shipment tracking ability similar to the present invention. To support examiner's argument that an identifier possessing the shipping tracking ability is prior art to the present invention, additional evidence is given.

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Examiner notes, Ferrier does not explicitly teach associating a shipment tracking identifier with the item.

Morimoto teaches an identifier which has shipment tracking ability and associating such identifier with the item (see paragraph 0069 "a customer or shipping company may enter in a unique identifier that identifies the goods being shipped, and the database may respond by outputting the data file...during or after the shipping process the data file may be updated to match current conditions. For example, events such as arrival of the item at an intermediary destination, arrival at the final destination, damage to the item during shipment, and confirmation by the recipient of receiving the item may be conveyed to the central server, which may then update the database accordingly; also see paragraph 0014, which clearly indicates that the unique identifier is equivalent to a shipping tracking number).

Morimoto also suggests correlating the shipment tracking identifier data to the particular sending party and the item, and the receiving party (see paragraph 0060, the "unique item identification number", which is a shipment tracking number, is associated with all the relevant information inside the "data file").

Morimoto also implies obtaining shipment tracking identifier data at a destination location from the shipping system indicating that the item has arrived at the destination (see paragraph 0069, Morimoto teaches indicating the item has arrived at the final destination; the shipment tracking identifier data must be obtained at the destination location in order for the system to update the shipping status; USPS, FedEx, and UPS all scan the item to obtain shipment tracking number before handing the item to receiving party at final destination).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include that the identifier has shipment tracking ability, and correlating the shipment tracking identifier data to the particular sending party and the item and the receiving party.

One of ordinary skill in the art would have been motivated to modify the reference in order to employ existing shipping technology to provide shipment tracking of the purchased item.

As per claim 4 and 26, Ferrier teaches notifying the receiving party that the debit has occurred (see paragraph 0073 and 0087 last sentence).

As per claim 5 and 27, Ferrier teaches notifying the sending party that the debit has occurred (see paragraph 0073 and 0087 last sentence).

For claim 6-8 and claim 28-30, the word "operated" is understood as "To exercise one of a collection of activities of a product or feature during the normal course of using its functionality" or simply use the transaction module, as defined in google. The reason for such interpretation is that in applicant's specification, the receiving party clearly does not run or control the transaction module. Both receiving party and sending party must

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register to use the transaction module implies that none of these party is the "operator" of the transaction module under the common definition.

As per claim 6 and 28, Ferrier teaches wherein the transaction module is operated by the receiving party (see paragraph 0015-0039; gateway is equivalent to transaction modules; it is clear that the transaction module is used by the receiving party).

As per claim 7 and 29, Ferrier teaches wherein the transaction module is operated by the sending party (see paragraph 0015-0039; gateway is equivalent to transaction modules; it is clear that the transaction module is used by the sending party).

As per claim 8 and 30, Ferrier teaches wherein the transaction module is operated by a third party (see paragraph 0027, "where an entity operating a gateway enables said supplier to provide said purchaser with a payment option via said gateway"; gateway is equivalent to transaction modules; it is clear that the entity operating the transaction module is neither the sending party nor the receiving party, and thus is third party).

As per claim 9 and 31, Ferrier does not teach selecting a particular carrier from a plurality of carriers for transporting the item.

Morimoto teaches selecting a particular carrier from a plurality of carriers for transporting the item (see paragraph 0077).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include the step of selecting a particular carrier from a plurality of carriers for transporting the item.

One of ordinary skill in the art would have been motivated to modify the reference in order to choose the shipping carrier that most fitting the criteria.

As per claim 10, Ferrier teaches receiving confirmation information from the particular receiving party outside of the shipping system, at the transaction module, confirming satisfactory delivery, prior to the authorization (see paragraph 0067 last sentence and 0090, delivery is "authenticated" or confirmed before payment is authorized; also see 0086, Ferrier discloses in the case of unsatisfactory delivery, receiving party can return unwanted good, which further suggests that delivery is confirmed prior to the payment authorization step; also see paragraph 0048, Ferrier teaches the purchaser contacts the gateway to authorize the release of payment for the items upon delivery; it is implied that the purchase or receiving party also indicates the satisfactory of delivery, because it only make sense for the purchase to authorize the payment if he/she is satisfied with the item and delivery; it is implied that if the purchaser is not happy about the shipment, he/she can just choose not to pay; please also consider COD or Cash On Delivery, which is an old and well known shipping & payment method; also see Fig. 5 and paragraph 0081, both show that purchaser

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authorize payment through gateway outside of the shipping system).

As per claim 11 and 33, herein the identifier is stored as a bar code representation and the obtaining step includes scanning the bar code (see paragraph 0064, especially "Here the courier enters the transaction ID, either manually or using a barcode scanner"; as discussed above, "transaction ID" is identifier, and prior art clearly suggests that identifier is stored as a bar code).

12-22 (canceled).

As per claim 23, Ferrier teaches an apparatus for authorizing payment upon delivery of an item to a destination comprising (see paragraph 0002 and 0048; also see paragraph 0064, Ferrier teaches a payment on delivery scheme, and it is commonly known that in such scheme, payment is authorized after buyer receives the item at the final destination):

means for registering each one of a plurality of receiving parties with a transaction module (see paragraph 0021, 0022, 0053, 0056, and 0057; "purchaser" is receiving party, and "gateway" is transaction module);

means for registering each one of a plurality of sending parties with the transaction module (see paragraph 0021, 0022, 0053, 0056, and 0057; "purchaser" is receiving party, and "gateway" is transaction module);

means for generating an shipment tracking identifier for use with a shipping system (see paragraph 0022, and paragraph 0062; "transaction identification" or "transaction ID" is identifier, and "transaction identification" is created when order is made; also see 0071 and 0075, it is implied that the identifier has shipment tracking ability);

means for associating the shipment tracking identifier with a particular sending party, a particular receiving party (see paragraph 0071, "...a transaction ID, comprising a supplier identification number, purchaser identification number");

means for storing data relating to the identifier and the particular sending party in the transaction module (see paragraph 0071, 0072 and 0100; "transaction ID" is identifier, and "seller" is sending party);

means for obtaining shipment tracking identifier data at a destination location from the shipping system indicating that the item has arrived at the destination (see paragraph 0064, especially "Here the courier enters the transaction ID, either manually or using a barcode scanner; this procedure is done upon purchaser's receipt of goods, which suggests it is done at a destination location; also as discussed earlier, it is implied

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that the transaction identifier has shipment tracking ability);

means for correlating the shipment tracking identifier data to the particular sending party and the item (see paragraph 0064, last two sentences, also as discussed earlier, it is implied that the transaction identifier has shipment tracking ability);

means for authorizing a debit associated with the item from a selected account associated with the particular receiving party to a selected account of the particular sending party (see paragraph 0049 and 0064; it is implied that the authorization of debit is associated with the item; since purchaser can pay for the good using Electronic Funds Transfer, it is implied that the debit is from a selected account associated with the particular receiving party to a selected account of the particular sending party).

Ferrier implies the identifier has shipment tracking ability similar to the present invention. To support examiner's argument that an identifier possessing the shipping tracking ability is prior art to the present invention, additional evidence is given. Examiner notes, Ferrier does not explicitly teach associating a shipment tracking identifier with the item.

Morimoto teaches an identifier which has shipment tracking ability and associating such identifier with the item (see paragraph 0069 "a customer or shipping company may enter in a unique identifier that identifies the goods being shipped, and the database may respond by outputting the data file...during or after the shipping process the data file may be updated to match current conditions. For example, events such as arrival of the item at an intermediary destination, arrival at the final destination, damage to the item during shipment, and confirmation by the recipient of receiving the item may be conveyed to the central server, which may then update the database accordingly; also see paragraph 0014, which clearly indicates that the unique identifier is equivalent to a shipping tracking number).

Morimoto also suggests correlating the shipment tracking identifier data to the particular sending party and the item, and the receiving party (see paragraph 0060, the "unique item identification number", which is a shipment tracking number, is associated with all the relevant information inside the "data file").

Morimoto also implies obtaining shipment tracking identifier data at a destination location from the shipping system indicating that the item has arrived at the destination (see paragraph 0069, Morimoto teaches indicating the item has arrived at the final destination; the shipment tracking identifier data must be obtained at the destination location in order for the system to update the shipping status; USPS, FedEx, and UPS all scan the item to obtain shipment tracking number before handing the item to receiving party at final destination).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include that the identifier has shipment tracking

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ability, and correlating the shipment tracking identifier data to the particular sending party and the item and the receiving party.

One of ordinary skill in the art would have been motivated to modify the reference in order to employ existing shipping technology to provide shipment tracking of the purchased item.

As per claim 32, Ferrier implies means for tracking the item during the transportation of the item from a first location to the destination location (see 0071 and 0075, it is implied that the identifier has shipment tracking ability). To support examiner's argument that an identifier possessing the shipping tracking ability is prior art to the present invention, additional evidence is given.

Morimoto teaches means for tracking the item during the transportation of the item from a first location to the destination location (see paragraph 0069).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include means for tracking the item during the transportation of the item from a first location to the destination location.

One of ordinary skill in the art would have been motivated to modify the reference in order to allow users to find out the shipping status of the item.

As per claim 34, means for receiving confirmation information from the particular receiving party outside of the shipping system confirming satisfactory delivery prior to authorization (see paragraph 0067 last sentence and 0090, delivery is "authenticated" or confirmed before payment is authorized; also see 0086, Ferrier discloses in the case of unsatisfactory delivery, receiving party can return unwanted good, which further suggests that delivery is confirmed prior to the payment authorization step; also see paragraph 0048, Ferrier teaches the purchaser contacts the gateway to authorize the release of payment for the items upon delivery; it is implied that the purchase or receiving party also indicates the satisfactory of delivery, because it only make sense for the purchase to authorize the payment if he/she is satisfied with the item and delivery; it is implied that if the purchaser is not happy about the shipment, he/she can just choose not to pay; please also consider COD or Cash On Delivery, which is an old and well known shipping & payment method; also see Fig. 5 and paragraph 0081, both show that purchaser authorize payment through gateway outside of the shipping system).

Claim 2, 3, 24, and 25 are rejected under U.S.C. 103(a) as being unpatentable over Ferrier (Pub. No.: US 2005/0177437), in view of Morimoto (Pub. No.: US 2002/0120475), and further in view of US Patent Number 7,080,044 to Cordery et al.

As per claim 2 and 24, Ferrier does not teach wherein the shipment tracking identifier is a postage indicium generated from a closed system postage meter.

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Cordery teaches the identifier is a postage indicium generated from a closed system postage meter (see column 1, line 41-64; see column 2, line 48-58 teaches identifier are utilized by both open and closed system postage meter; see column 2, line 8-27 teaches the identifier is generated from a closed system postage meter; Cordery explicitly teaches both open and close system can generate a digital token which contain the postage value; digital token is interpreted as postage indicium, since they both indicate the postage value);

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to specify the identifier is a postage indicium generated from a closed system postage meter.

One of ordinary skill in the art would have been motivated to modify the reference in order to specify the equipments of the invention.

As per claim 3 and 25, Ferrier teaches wherein the shipment tracking identifier is a postage indicium generated from an open system postage meter.

Cordery teaches the identifier is a postage indicium generated from a closed system postage meter (see column 1, line 41-64; see column 2, line 48-58 teaches identifier are utilized by both open and closed system postage meter; see column 2, line 8-27 teaches the identifier is generated from a closed system postage meter; Cordery explicitly teaches both open and close system can generate a digital token which contain the postage value; digital token is interpreted as postage indicium, since they both indicate the postage value);

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to specify the identifier is a postage indicium generated from a closed system postage meter.

One of ordinary skill in the art would have been motivated to modify the reference in order to specify the equipments of the invention.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAO FU whose telephone number is (571)270-3441. The examiner can normally be reached on Mon-Fri/Mon-Thurs 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on (571) 272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hao Fu/
Examiner, Art Unit 3696

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/THOMAS A DIXON/
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Mar-08